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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/757,582

01/14/2004

Joseph Lai

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06/15/2005

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EXAMINER

LAU, HOI CHING

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/757,582

Applicant(s)

LAI, JOSEPH

Examiner

Hoi C. Lau

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 1- 12 have been examined.

#### *Specification*

2. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding **claim 9**, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
4. **Claim 4** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "users" is not defined by the claim; the specification does not provide a standard for the level of user's skill which is correlated with the term "simplicity".

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over de al Hunerga (U.S. 6,529,446) in view of MacLean et al. (U.S. 5,625,347).

Regarding **Claim 1**, Hunerga teaches a reminding device which fit inside a conventional container cap which comprises:

A battery supplies the power to the device (column 8, lines 19-21);

A sensor that senses and detects the opening of the conventional bottle cap to activate or deactivate a timer (column 6, lines 35-38 and lines 59-66);

A timer is activated at a predetermined time interval when sensor detect bottle cap has been opened on the bottle container (column 8, lines 19-42);

A alert means generated audible, visual, vibration and wireless radio frequency (RF) signals when timer is timer is timed-out to alert users to open container cap, take or eat the content(s), and deactivate the timer automatically (column 6, lines 24-45 and column 8, lines 43-58);

It fails to show the container and cap is a conventional bottle unit where the device retrofitted inside the conventional cap.

However, MacLean teaches uses of attachment hold the device onto inside of the conventional bottle cap (column 3, lines 9-19).

It would have been obvious to one of ordinary skill in the art at the time to modify Hunerga's device as a retrofitted device to fit inside a conventional bottle cap to convert

conventional bottle into a reminder bottle because it would enable the pharmacist or others to reuse the conventional bottle, thereby reduced the long-term cost.

Regarding **Claim 2**, Hunerga fails to show the conventional bottle cap is a standard cap. However, MacLean teaches the bottle cap is conventional, regular and standard (Figure 1 and 2, column 3, lines 9-19).

It would have been obvious to one of ordinary skill in the art at the time to use the conventional cap for the conventional bottle because it would not require any manufacture modification of cap in order to reduce manufacture cost.

Regarding **Claim 3**, MacLean teaches the bottle cap is conventional, regular and standard (Figure 1 and 2, column 3, lines 9-19).

Regarding **Claim 5**, MacLean teaches retrofitted is a method of adding and attaching reminder device, as an aftermarket kit to conventional bottle cap (Figure 1 and 2, column 3, lines 9-19).

Regarding **Claim 6**, MacLean teaches the sensor contains a pressure sensitive push-button switch and detects pressures from the inside of cap against the rim of the bottle (column 4, lines 4-45).

Regarding **Claim 7**, MacLean teaches the timer is which interacts with a microprocessor (column 8, lines 19-42). However, he is silent on the timer contains digital electronic integrated circuit.

It would have been obvious to one of ordinary skill in the art at the time the timer is using digital integrated circuit and able to output digital signals because it is interacted with a microprocessor.

Regarding **Claim 8**, MacLean teaches the reminder device contains non-toxic materials (column 4, lines 46-61).

Regarding **Claim 9**, MacLean teaches an audible message as an alert signal (column 3, lines 20-27). In addition, Hunerga shows the reminder can alert the users by sounding an audible alarm (column 4, lines 31-36 and column 8, lines 53-55).

Regarding **Claim 10**, Hunerga shows a reminder device uses radio frequency as a communication signal to alert user.

It would have been obvious to one of ordinary skill in the art at the time the system requires a RF transmitter to generate RF signal.

Regarding **Claim 11**, MacLean teaches visual alerts contain light with LED (column 4, lines 66-67 and column 5, lines 1-2).

It would have been obvious to one of ordinary skill in the art at the time LED able to shine through the cap and bottle to alert the users if the cap and bottle are made of transparent materials.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over de al Hunerga (U.S. 6,529,446) in view of MacLean et al. (U.S. 5,625,347) in further view of Benaroya (U.S. 4,572,403).

The combination meets all limitation of claim except they fail to show a battery low indicator.

Benaroya's device teaches a battery low indicator to inform the user to change the battery or renew the reminder device (column 16, lines 1-4 and lines 26-31).

However, it fails to show the indicator is within the power supply circuit.

It would have been obvious to one of ordinary skill in the art at the time the battery low indicator is physically connected to the power circuit to receive the detected voltage signal.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zoltan (U.S. 4,419,016) teaches a patient medication use compliance aid which enables the users to readily ascertain the time at which they took a previous dose of medication. A time keeping device is incorporated into a typical container for medicinal products without the need for complicated container construction or complex mechanical parts or expensive electronic circuitry. Hawk (U.S. 6,239,712) shows a closure and package with the closure removable affixed to a neck of a container, the closure carrying an electrical element for emitting an audible message or signal upon the distortion of the electrical element the results from application of a removal load to the closure. Skukla (U.S. 6,271,753) teaches a device comprises a lid or cover closing the top of a container or bottle, where the cover contains a built-in device that alerts the user when the container is opened or its content is leaking and will emit an alarm so that the user can respond and perform a subsequent action such as closing the container or bottle. Ditzing. (U.S. 6,667,936) teaches an adherent timer device for mounting upon a prescription medicine bottle cap.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoi C. Lau whose telephone number is (571)272-8547. The examiner can normally be reached on M- F 8:30am - 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571)272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HCL



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